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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,923	03/25/2004	Charles E. Taylor	SHPR-01361USK	6758
23910 7590 03/27/2007 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER NGUYEN, PHUNG	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/809,923	Applicant(s) TAYLOR ET AL.	
	Examiner Phung T. Nguyen	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-75 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 72-75 is/are allowed.
- 6) ☒ Claim(s) 56-64, 66 and 68-71 is/are rejected.
- 7) ☒ Claim(s) 65 and 67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/14/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 56-61, 64, 66, 68, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (U. S. Pat. 6,312,507) in view of Plinke et al. (U.S. Pat. 5,572,327).

Regarding claim 56: Taylor et al. disclose electro-kinetic ionic air refreshener-conditioner for pet shelter and litter box comprising a housing; a plurality of electrodes supported by the housing; a voltage generator operatively coupled to the electrodes, the voltage generator being operable to generate voltage; and at least one sensor operatively coupled to the voltage generator, the voltage generated by the voltage generator being adjusted based on a condition sensed by the sensor (figures 4D and 4H, col. 3, lines 35-38, col. 4, lines 30-45, col. 6, lines 53-57, and col. 11, lines 39-51). Taylor et al. teach other sensors may be used as sensed operation (col. 3, lines 6-8) but do not disclose the sensor having a light source and a light detector. However, using the light source and the light detector to detect changing level of particulate in the air is old and well known in the art as taught by Plinke et al. (fig. 2, abstract, and col. 4, lines 11-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the conventional particulate sensor of Plinke et al. in the system of Taylor et al. in order remove particles if desired.

Regarding claim 57: Taylor et al. disclose wherein the environmental sensor is a particulate detector (col. 3, lines 2-8, and col. 4, lines 36-38).

Regarding claim 58: Plinke et al. disclose wherein the particulate detector is a photoelectric unit (col. 4, lines 22-28).

Regarding claim 59: Taylor et al. and Plinke et al. do not teach wherein the sensor detects the presence of humans or animals as claimed. Since Taylor et al. teach the use of the environmental sensor (col. 4, lines 36-38), it would be obvious to the skilled artisan to recognize that the environmental sensor of Taylor et al. can also detect the presence of humans or animals.

Regarding claim 60: Plinke et al. disclose wherein the sensor is a passive IR detector (col. 4, lines 13-16).

Regarding claim 61: Plinke et al. inherently disclose wherein the sensor is an ozone sensor (col. 3, lines 6-8 and col. 4, lines 11-16).

Regarding claim 64: Taylor et al. disclose wherein the first and second electrodes, the voltage generator, and the sensor are a single unit (col. 4, lines 39-45).

Regarding claim 66: All the claimed subject matter is already discussed in respect to claims 56 and 61 above.

Regarding claim 68: Plinke et al. disclose wherein the ozone sensor includes at least one light source and at least one light source detector (col. 4, lines 11-16).

Regarding claim 71: Refer to claim 64 above.

3. Claims 62, 63, 69, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. in view of Plinke et al. and further in view of Posadas (U.S. 2003/0165040).

Art Unit: 2612

Regarding claims 62 and 63: Taylor et al. and Plinke et al. do not teach wherein the sensor is a remote unit which communicates with the base unit wirelessly. However, Posadas discloses ionizer control system including the remote unit communicates with the base unit wirelessly (paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the technique of Posadas in the system of Taylor et al. and Plinke et al. so that the remote unit can wirelessly communicate with the base unit if desired.

Regarding claims 69-70: Refer to claims 62 and 63 above.

Allowable Subject Matter

4. Claims 65 and 67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 72-75 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 72, patentability resides in "a processor operatively coupled to the ozone sensor and the voltage generator, the processor being operable to adjust the voltage based on comparing a first signal representing a first ozone concentration to a second signal representing a second ozone concentration sensed by the ozone sensor", in combination with the other limitations of the claim.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2612

a. Lee [US Pat. 4,789,801] discloses electrokinetic transducing methods and apparatus and systems comprising or utilizing the same.

b. Hsu [U.S. Pat. 5,656,063] discloses air cleaner with separate ozone and ionizer outputs and method of purifying air.

c. Ford et al. [U. S. Pat. 5,535,089] disclose ionizer.

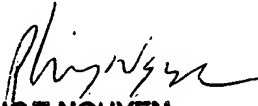
d. Taylor et al. [U.S. Pat. 6,974,560] disclose electro-kinetic air transporter and conditioner device with enhanced anti-microorganism capability.

e. Dattilo [U. S. Pat. 4,677,426] discloses dust detecting ring assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on 571-272-2964. The fax phone number for this Group is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.


PHUNG T. NGUYEN
PRIMARY EXAMINER

Date: March 22, 2007